

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

COMMITTEE TO SAVE THE DERRY
RAIL TRAIL TUNNEL AND RAILS
TO TRAILS CONSERVANCY,
Plaintiffs

v.

SHAILEN BHATT, FEDERAL HIGHWAY
ADMINISTRATION, ADMINISTRATOR

Civil No. 1:24-cv-00262

PATRICK BAUER, FEDERAL HIGHWAY
ADMINISTRATION, NEW HAMPSHIRE
DIVISION, ADMINISTRATOR,
and
WILLIAM CASS, NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION,
COMMISSIONER,
Defendants

**DEFENDANTS' JOINT ASSENTED-TO MOTION TO EXTEND
DEADLINE TO OBJECT TO PLAINTIFF'S PRELIMINARY INJUNCTION**

NOW COMES William J. Cass, Commissioner of the State of New Hampshire Department of Transportation, ("NHDOT"), and Shailen Bhatt, Federal Highway Administration, Administrator, and Patrick Bauer, Federal Highway Administration, Administrator (collectively "FHWA") by and through their counsel, the Office of the New Hampshire Attorney General, and the United States Attorney for the District of New Hampshire respectively, and respectfully request that the Court extend the Defendants' deadlines to file a responsive pleading to Plaintiffs' Motion for Preliminary Injunction and/or Relief Under 5 U.S.C. § 705 by fourteen (14) days. In support of this request, the Defendants state as follows:

1. On or about October 8, 2024, the Plaintiffs filed a Motion for Preliminary Injunction and/or Relief Under 5 U.S.C. § 705. (ECF Doc. No. 20.) The deadline for the

Defendants to file a responsive pleading to the Plaintiffs' Motion is currently due October 22, 2024.

2. Due to undersigned counsels' workload, prior commitments, and desire to align their responsive pleading deadlines, the Defendants jointly request an additional fourteen (14) days to file a responsive pleading to the Plaintiffs' Motion for Preliminary Injunction and/or Relief Under 5 U.S.C. § 705.

3. Counsel for the Plaintiffs have assented to this request on the condition that NHDOT will not perform any aspects of construction on the M&L Railroad Historic District that would foreclose or prevent the inclusion of the rail trail underpass until such time that this Honorable Court provides a ruling on the Plaintiffs' Motion for Preliminary Injunction and/or Relief Under 5 U.S.C. § 705.

4. Accordingly, the Defendants respectfully request that their response deadline be extended until November 5, 2024, subject to the condition set forth herein.

WHEREFORE, the Defendants respectfully request this Honorable Court:

- A. Grant this Joint Assented-To Motion to Extend;
- B. Extend the Defendants' deadlines to file a responsive pleading to the Plaintiffs' Motion for Preliminary Injunction and/or Relief Under 5 U.S.C. § 705 until November 5, 2024; and
- C. Grant such further relief as justice may require.

Respectfully Submitted,

WILLIAM J. CASS, COMMISSIONER OF THE
STATE OF NEW HAMPSHIRE DEPARTMENT
OF TRANSPORTATION

By his attorneys,

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: October 22, 2024

/s/ Colin P. Carroll
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ADMINISTRATION, ADMINISTRATOR

PATRICK BAUER, FEDERAL HIGHWAY
ADMINISTRATION, NEW HAMPSHIRE
DIVISION, ADMINISTRATOR

By their attorneys,

JANE E. YOUNG
UNITED STATES ATTORNEY

Date: October 22, 2024

/s/ Anna Dronzek
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Assented-To Motion to Extend was served this 22nd day of October 2024 through the Court's ECF system.

/s/ Colin P. Carroll
Colin P. Carroll